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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-------------------|
| 09/768,712 | 01/24/2001 | Kazuhiro Iwabuchi | 81922.0005 | 3683 |
| 26021 | 7590 | 09/23/2005 | EXAMINER | |
| HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611 | | | | MEHRPOUR, NAGHMEH |
| ART UNIT | | PAPER NUMBER | | |
| | | | | 2686 |

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|-----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/768,712 | IWABUCHI ET AL. |
| | Examiner | Art Unit |
| | Naghmeh Mehrpour | 2686 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 9/8/05.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1, 3-6**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon (US Patent Number 6,697,083) in view of Meins et al. (US Patent Number 6,587,700 B1).

Regarding **claims 1, 5**, Yoon teaches a portable radio communication apparatus (see figures 1 & 2) which has a sound input device for inputting sound, a sound output device for outputting sound, an input device for inputting various signals (col 3 line 56-67, col 4 lines 1-20) apparatus including:

a first case 10 (see figure 1);

a second case 20 which is rotatably connected to the first case 10 and which can be in open and closed positions with respect to the first case 10 (see figure 2, col 3 lines 30-40),

a first display 30, which is exposed when the second case 20 is in the open position (see figure 2, col 3 lines 1-9);

a second display 30 (back of first display), which is exposed whether, the second case 20 is in the open or closed position (see figures 1, 2, col 3 lines 134-49);

a first illuminator LCD that illuminates the first display 30 (col 3 lines 30-36);

a second illuminator (same as first illuminator) LCD, which illuminates the second display 30 (back of the first display, see figure 1, col 3 lines 27-45);

an open/closed position detector which detects whether the second case 20 is in the open or closed position (col 4 lines 20-24); and

a controller 111 which controls the electric power supply switch (see figure 4, col 4 lines 43-54), with reference R to what the open/closed position detector has detected (col 7 lines 14-18), to supply electric power to the first illuminator when the second case 20 is in the open position (col 5 lines 54-67, col 6 lines 1-7, lines 25-28), and to supply electric power to the second illuminator LCD when the second case 20 is in the closed position (col 5 lines 60-67, col 7 lines 1-13), and

wherein the first display 30 and the second display 30 are constituted by a unitary display device, which can display on both a front side and a backside (see figure 1, col 3 lines 30-36);

Yoon inherently teaches an electric power supply switch, which can switch between lines to supply electric power for illumination to the illuminators (see figure 3, col 8 lines 35-45).

Yoon does not specifically mention that a communication device for communicating various communication data such as audio data, text data, and image data, the portable radio communication, and the second illuminator is different from the second illuminator. However Meins teaches a communication device for communicating various communication data such as audio data, text data, and image data (col 7 lines 53-56), the portable radio communication, and the second illuminator is different from the second illuminator (col 7 lines 43-56).

Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Meins with Yoon, in order to permit the user to dial a telephone number without the need for a push-button keypad.

Regarding **claim 3**, Yoon teaches a portable communication apparatus wherein the display device is provided in either the first case 10 or the second case 20, and the first case 10 or the second case 20, in which the display device is provided has a window for the first display 30 in the inner face of 10 and has a provided window for the second display 20 in the outer face (see figures 1-2, col 3 lines 30-39).

Regarding **claim 4**, Yoon teaches portable radio communication apparatus portable radio communication apparatus 100 wherein the second display is disposed on the opposite side to the first display, and either the first case or the second case has a window for the first display, in the inner face and has a window for the second display in the outer face (col 3 lines 30-36).

Regarding **claim 6**, Yoon teaches portable radio communication apparatus portable radio communication apparatus 100 wherein the second display is disposed on the opposite side to the first display, and either the first case or the second case has a window for the first display, in the inner face and a window for the second display in the outer face (col 3 lines 30-36).

4. **Claims 2, 7,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon (US Patent Number 6,697,083) in view of Meins et al. (US Patent Number 6,587,700 B1) in further view of Moriya. (US Publication 2001/0003707 A1).

Regarding **claim 2**, Yoon teaches a portable radio communication apparatus (see figures 1 & 2) which has a sound input device for inputting sound, a sound output device for outputting sound, an input device for inputting various signals (col 3 line 56-67, col 4 lines 1-20) apparatus including:

a first case 10 (see figure 1);

a second case 20 which is rotatably connected to the first case 10 and which can be in open and closed positions with respect to the first case 10 (see figure 2, col 3 lines 30-40),

a first display 30, which is exposed when the second case 20 is in the open position (see figure 2, col 3 lines 1-9);

a first illuminator LCD that illuminates the first display 30 (col 3 lines 30-36);

a second display LCD, which is exposed whether the second case is in the open or closed position,

wherein the first display and the second display are constituted by a unitary display device which can display on both a front side and a back side. Yoon modified by Meins fails to teach a portable device wherein the first display is illuminated only when the second case is in the open position, and wherein the second display is illuminated only when the second case is in the closed position. However, Moriya teaches a portable radio communication device wherein the first display is illuminated only when the second case is in the open position, and wherein the second display is illuminated only when the second case is in the closed position (0035-0038). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Moriya with Yoon modified by Meins, in order provide a mobile phone with a second display in the housing, to receive an incoming signals via wireless communication so that the display may provide the image based on the incoming signal.

Regarding **claim 7**, Yoon modified by Meins fails to teach portable radio communication apparatus portable radio communication apparatus wherein the controller controls the display controller for directing display driving supply to turn off the first display if the open/closed position detector has detected the second case being in the closed position. However, Moriya teaches portable radio communication apparatus portable radio communication apparatus wherein the controller controls the display controller for directing display driving supply to turn off the first display if the open/closed position

detector has detected the second case being in the closed position (0035-0038). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Awan with Yoon modified by Meins, in order provide a mobile phone with a second display in the housing, to receive an incoming signals via wireless communication so that the display may provide the image based on the incoming signal.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

September 16, 2005



NAGHMEH MEHRPOUR
PATENT EXAMINER